
Introduced by Senator Wolk

February 20, 2013

An act to amend Sections 112876, 112876.5, 112877, and 112894 of the Health and Safety Code, and to amend Section 1 of Chapter 694 of the Statutes of 2008, relating to food.

LEGISLATIVE COUNSEL'S DIGEST

SB 411, as introduced, Wolk. Food labeling: olive oil.

Existing law requires the State Department of Public Health to enforce various provisions of existing law regarding the manufacture, blending, production, and sale of olive oil. Existing law defines olive oil and olive oil grades, such as virgin olive oils and olive-pomace oil, and provides that olive oil grades are to be in a specified hierarchy.

This bill would make technical changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 112876 of the Health and Safety Code
- 2 is amended to read:
- 3 112876. The ~~hierarchy~~ *scale* for virgin olive oil grades shall
- 4 be, from highest to lowest, extra-virgin olive oil, virgin olive oil,
- 5 and virgin olive oil not fit for human consumption, ~~sometimes also~~
- 6 known as lampante virgin olive oil, which shall be the lowest level
- 7 of quality among the virgin olive oils. In terms of ~~hierarchy~~ *scale*,
- 8 olive oil and refined olive oil shall fall below the virgin olive oil
- 9 category. Olive oil grades shall be in the following categories:
- 10 (a) Virgin olive oils.

1 (1) Extra virgin olive oil.
2 (2) Virgin olive oil.
3 (3) Virgin olive oil not fit for human consumption without
4 further processing, ~~sometimes~~ *also* known as lampante virgin olive
5 oil.

6 (b) Olive oil.

7 (c) Refined olive oil.

8 SEC. 2. Section 112876.5 of the Health and Safety Code is
9 amended to read:

10 112876.5. The ~~hierarchy~~ *scale* for olive-pomace oil grades
11 shall be, from highest to lowest, olive-pomace oil, refined
12 olive-pomace oil, and crude olive-pomace oil, which is the lowest
13 level of quality among the olive-pomace oils. Olive-pomace oil
14 grades shall be in the following categories:

15 (a) Olive-pomace oil.

16 (b) Refined olive-pomace oil.

17 (c) Crude olive-pomace oil.

18 SEC. 3. Section 112877 of the Health and Safety Code is
19 amended to read:

20 112877. Olive oil grades are defined as follows:

21 (a) “Virgin olive oils” are the oils obtained from the fruit of the
22 olive tree solely by mechanical or other physical means under
23 conditions, including thermal conditions, that do not lead to
24 alterations in the oil, and that have not undergone any treatment
25 other than washing, decanting, centrifuging, and filtration. Virgin
26 olive oils without further processing include:

27 (1) “Extra virgin olive oil” is virgin olive oil that has excellent
28 flavor and odor expressed as a median of defects equal to zero and
29 a median of fruitiness greater than zero, has a free fatty acid
30 content, expressed as oleic acid, of not more than 0.8 grams per
31 100 grams oil, has a peroxide value of not more than 20
32 milliequivalent peroxide oxygen per kilogram oil and meets the
33 additional requirements for “United States Extra Virgin Olive Oil”
34 outlined in the United States Standards for Grades of Olive Oil
35 and Olive-Pomace Oil published in the Federal Register that are
36 in effect on October 25, 2010.

37 (2) “Virgin olive oil” is virgin olive oil that has reasonably good
38 flavor and odor expressed as a median of defects between zero
39 and 2.5 and a median of fruitiness greater than zero, has a free
40 fatty acid content, expressed as oleic acid, of not more than 2 grams

per 100 grams oil, has a peroxide value of not more than 20 milliequivalent peroxide oxygen per kilogram oil, and meets the additional requirements for “United States Virgin Olive Oil” outlined in the United States Standards for Grades of Olive Oil and Olive-Pomace Oil published in the Federal Register that are in effect on October 25, 2010.

(3) “Virgin olive oil not fit for human consumption without further processing,” ~~sometimes~~ *also* known as “lampante virgin olive oil,” is virgin olive oil which has poor flavor and odor expressed as a median of defects between 2.5 and 6.0 or when the median of defects is less than or equal to 2.5 and the median of fruitiness is zero, has a free fatty acid content, expressed as oleic acid, of more than 2 grams per 100 grams, and meets the additional requirements of the “United States Virgin Olive Oil Not Fit For Human Consumption Without Further Processing” as outlined in the United States Standards for Grades of Olive Oil and Olive-Pomace Oil published in the Federal Register that are in effect on October 25, 2010. This grade of olive oil is intended for refining or for purposes other than food use.

(b) “Olive oil” is the oil consisting of a blend of refined olive oil and virgin olive oils fit for consumption without further processing. It has a free fatty acid content, expressed as oleic acid, of not more than 1 gram per 100 grams oil and meets the additional requirements for “United States Olive Oil” described in the United States Standards for Grades of Olive Oil and Olive-Pomace Oil published in the Federal Register that are in effect on October 25, 2010.

(c) “Refined olive oil” is the olive oil obtained from virgin olive oils by refining methods that do not lead to alterations in the initial glyceridic structure (basic glycerin-fatty acid content). It has a free fatty acid content, expressed as oleic acid, of not more than 0.3 grams per 100 grams oil, and meets the additional requirements for “United States Refined Olive Oil” described in the United States Standards for Grades of Olive Oil and Olive-Pomace Oil published in the Federal Register that are in effect on October 25, 2010.

(d) “Olive-pomace oil” is oil obtained by treating olive pomace, which is the product that remains after the mechanical extraction of olive oil, with solvents or other physical treatments, to the exclusion of oils obtained by synthetic processes and a mixture

1 with oils of other kinds. Olive-pomace oils shall be labeled and
2 marketed with the following designations and definitions:

3 (1) “Olive-pomace oil” is the oil comprising the blend of refined
4 olive-pomace oil and virgin olive oils fit for consumption without
5 further processing. It has a free fatty acid content, expressed as
6 oleic acid, of not more than 1 gram per 100 grams oil, and meets
7 the additional requirements for “United States Olive-Pomace Oil”
8 outlined in the United States Standards for Grades of Olive Oil
9 and Olive-Pomace Oil published in the Federal Register that are
10 in effect on October 25, 2010.

11 (2) “Refined olive-pomace oil” is the oil obtained from crude
12 olive-pomace oil by refining methods that do not lead to alterations
13 in the initial glyceridic structure. It has a free fatty acid content,
14 expressed as oleic acid, of not more than 0.3 grams per 100 grams
15 oil, and meets the additional requirements for “United States
16 Refined Olive-Pomace Oil” outlined in the United States Standards
17 for Grades of Olive Oil and Olive-Pomace Oil Published in the
18 Federal Register that are in effect on October 25, 2010.

19 (3) “Crude olive-pomace oil” is olive-pomace oil that is intended
20 for refining for use for human consumption or that is intended for
21 technical use and that meets the requirements for “United States
22 Crude Olive-Pomace Oil” outlined in the United States Standards
23 for Grades of Olive Oil and Olive-Pomace Oil published in the
24 Federal Register that are in effect on October 25, 2010.

25 SEC. 4. Section 112894 of the Health and Safety Code is
26 amended to read:

27 112894. Virgin olive oil not fit for human consumption,
28 ~~sometimes~~ *also* known as lampante virgin olive oil, shall be refined
29 before consumption.

30 SEC. 5. Section 1 of Chapter 694 of the Statutes of 2008 is
31 amended to read:

32 Section 1. The Legislature hereby finds and declares all of the
33 following:

34 (a) Extra virgin olive oil has been shown by numerous scientific
35 studies to be associated with fighting cardiovascular disease and
36 providing other health benefits.

37 (b) California grows and processes more than 99 percent of the
38 extra virgin olive oil produced in the United States, and more than
39 90 percent of California olive oil meets the international standards

- 1 for top-grade “extra virgin” as established by the International
- 2 Olive Council.
- 3 (c) The quality of California olive oil is comparable to ~~other~~ *the*
- 4 *highest quality* the highest quality producers internationally.
- 5 (d) It is the intent of the Legislature that California’s definitions
- 6 of olive oil be consistent with international standards.

O